Supporting a positive workplace...

LabourRelations at work

LABOUR RELATIONS AGENCY

ANNUAL REPORT

2011-12

Newfoundland
Labrador

Table of Contents

MINISTER'S MESSAGE ..... p. 1

LABOUR RELATIONS AGENCY OVERVIEW ..... p. 2

- MANDATE
- VISION
- MISSION
- VALUES
- LEGISLATION
- LINES OF BUSINESS
- STAFF
- OFFICES
- ORGANIZATIONAL STRUCTURE

SHARED COMMITMENTS ..... p. 6

HIGHLIGHTS AND ACCOMPLISHMENTS ..... p. 7

REPORT ON GOALS AND 2011-12 PERFORMANCE..... p. 10

OPPORTUNITIES AND CHALLENGES AHEAD..... p. 17

STATISTICAL OVERVIEW ..... p. 18

FINANCIAL INFORMATION ..... p. 21

Message from the Minister

In accordance with Government's commitment to transparency and accountability and as the Minister responsible for the Labour Relations Agency, I hereby submit the Annual Performance Report for 2011-12. The report was prepared under my direction and I am accountable for the results it contains.

This document presents outcomes of the Agency's objectives and highlights its achievements. The Report also focuses on future opportunities that will continue to support the Agency's work in promoting positive employment relations in the province.

In 2011-12, the Labour Relations Agency supported a number of significant Government undertakings which directly responded to the strategic direction of government of a stable employment relations climate conducive to economic growth. These undertakings included May 2011 amendments to the *Labour Relations Act* designed to improve the collective bargaining process when parties are negotiating their first collective agreement and to improve labour relations during the life of an agreement. These amendments give parties access to the Labour Relations Board, expedite arbitration supports and enhance grievance mediation to aid in dispute resolution.

In 2010, Government appointed an Industrial Inquiry Commission to investigate matters tied to the labour dispute between Vale Newfoundland and Labrador Limited and United Steelworkers Local 9508 at Voisey's Bay. The Commission's second and final report on this matter was released on May 11, 2011. Following the release of the Final Report, Government consulted with many stakeholders and I look forward to providing Government's response to this important report in 2012-13.

In September 2011, Government approved a Special Project Order (SPO) for the construction phase of the Hebron Development Project at the Bull Arm Site. The SPO sanctions the collective agreement negotiated between the Hebron Project Employers' Association Inc. and the Resource Development Trades Council of Newfoundland and Labrador and provides a legislative foundation for the duration of this construction project. Acknowledging opportunities to further enhance the SPO provisions of our legislation, I commissioned labour relations consultant, James Oakley, in December 2011 to conduct a review and consult with those involved in major construction projects that use SPO designation. Mr. Oakley's report with 20 recommendations was released in March 2012 and I will provide a response to this important advice in the Spring of 2012.

Looking ahead to the coming year, I know we can build on the effective research, analysis and legislative reviews that the Agency has supported in 2011-12 and bring forward substantive improvements to our employment relations framework. I look forward to this success and to ongoing collaboration with labour and employer stakeholders to facilitate effective employment relationships throughout Newfoundland and Labrador.

TERRY FRENCH
MHA, District of Conception Bay South
Minister

Labour Relations Agency - Overview

MANDATE

The Labour Relations Agency supports and promotes positive employment relations in the province, administers minimum terms and conditions of employment, and provides workplace dispute resolution services.

These goals are pursued through the effective administration and enforcement of applicable legislation administered under the powers and duties of the Minister.

VISION

The vision of the Labour Relations Agency is of an optimal employment relations climate contributing to economic growth, competitiveness and prosperity.

MISSION

The Labour Relations Agency's mission is: By March 31, 2017, the Labour Relations Agency will have improved labour relations supports conducive to positive workplace relations.

The Agency has made significant progress in advancing the mission for the 2011–2014 planning cycle, as noted in this Report's Shared Commitments and Highlights and Accomplishments sections.

VALUES

The Labour Relations Agency's ability to promote effective employment relations requires that stakeholders have a high level of trust and confidence in the independence of the Agency's staff, and in the quality of the services they deliver. To this end, the Agency's organizational culture promotes three key values: professionalism, respect and partnership.

LEGISLATION

The legislation administered by the Agency establishes the rights and responsibilities of employers and employees in Newfoundland and Labrador. In addition, it provides context for the Agency's policy and planning activities. This legislation includes the following:

1. *Labour Relations Act* and *Regulations*
2. *Labour Standards Act* and *Regulations*
3. *Shops Closing Act* and *Regulations*
4. *Public Service Collective Bargaining Act* and *Regulations (Consolidated Orders)*
5. *Fishing Industry Collective Bargaining Act* and *Regulations*
6. *Interns and Residents Collective Bargaining Act*
7. *Teachers' Collective Bargaining Act*

LINES OF BUSINESS

In delivering its mandate, the Labour Relations Agency provides services to its clients in the areas of labour standards, labour relations, and policy and planning.

Labour Standards

The Agency's Labour Standards Division administers the province's *Labour Standards Act*, which mandates minimum terms and conditions of employment. The Division also administers the *Shops Closing Act* which sets the observance of holidays when shops must be closed. This is achieved by:

- Ensuring compliance with Labour Standards and Shops Closing legislation through investigation and enforcement;
- Investigating and mediating disputes between employees and employers;
- Offering public education and awareness seminars and consultative programs to communities and organizations, educational institutions, and various business sectors; and
- Consulting with employees and employers on workplace matters.

Labour Relations

The Agency's Labour Relations Division is responsible for serving employees and employers who operate within the framework of the collective bargaining system as set out in the province's *Labour Relations Act* and other collective bargaining legislation. Services include:

- Providing conciliation, preventive mediation and interest-based negotiation services to employees and employers;
- Assisting employee and employer groups with an emphasis on building constructive relationships;
- Facilitating the appointment of sole arbitrators or nominees to arbitration boards, when requested; and
- Providing training in dispute resolution.

Policy and Planning

The Agency's Policy and Planning Division is responsible for the provision of information and research related to the employment relations climate of the province and for the review and enhancement of the Agency's policies, programs and services. This is also pursued indirectly through the effective administration of provincial labour legislation. Divisional services include:

- Analyzing, maintaining and providing statistical information relating to the Agency's core lines of business, objectives, programs and activities;
- Researching labour relations and labour standards issues;

- Providing information and research services with respect to the province's employment relations environment;
- Facilitating the evaluation and continuous improvement of policies, programs and services;
- Providing support and advice to the Agency executive and to the Minister responsible for the Labour Relations Agency;
- Updating and monitoring the Agency's Strategic Plan and Annual Reports;
- Ensuring the Agency's participation in initiatives both government-wide and with other federal/provincial/territorial governments; and
- Developing and maintaining partnerships with relevant provincial and national organizations and Ministries of Labour.

STAFF

The Labour Relations Agency employs 26 employees in its various divisions and locations (15 female, 11 male). There are 23 staff in St. John's and 3 in Corner Brook. (See the Agency's organizational structure, page 5).

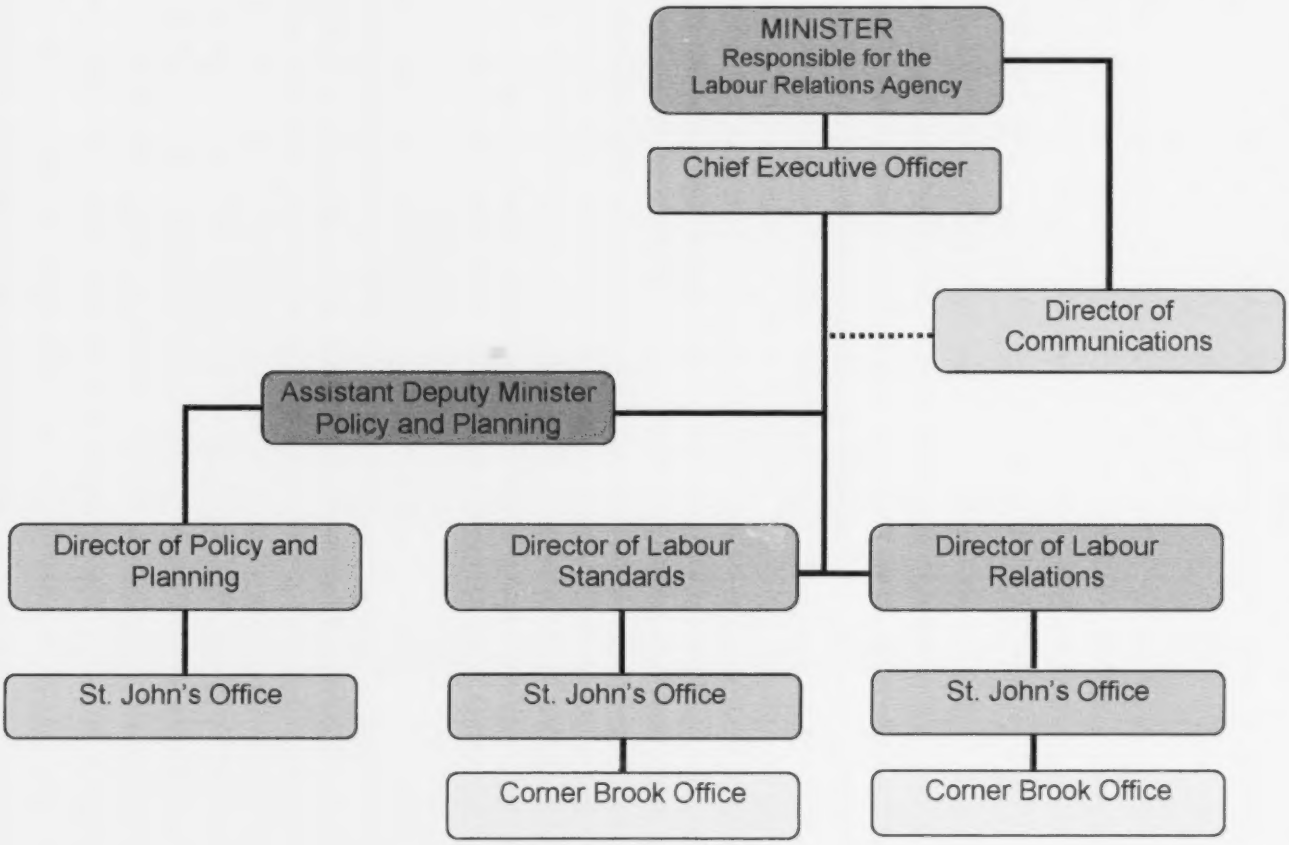
OFFICES

The Labour Relations Agency has offices located in St. John's and Corner Brook.

CONTACT THE AGENCY

Phone: (709) 729-2711 / 2742 (St. John's) (709) 637-2367 / 2364 (Corner Brook)
Fax: (709) 729-5905 (St. John's) (709) 637-2592 (Corner Brook)
Toll-free: 1-877-563-1063
E-Mail: labour@gov.nl.ca
Website: http://www.gov.nl.ca/lra/

Labour Relations Agency – Organizational Structure



Shared Commitments

The Labour Relations Agency is committed to both realizing its own goals and objectives, and providing a significant contribution and support to government-wide initiatives. Over the reporting period, the Agency continued its involvement as an active participant and partner in the Strategic Partnership Council, a collaborative forum including representatives of business, labour and government, supporting the introduction of several amendments to the *Labour Relations Act*. This initiative responds directly to the Minister's strategic direction of a stable employment relations climate conducive to economic growth and is in keeping with the Labour Relations Agency's Mission to have improved labour relations supports conducive to positive workplace relations.

Strategic Partnership Council – Review of Provincial Labour Legislation

The Agency has chaired the tripartite Employment Relations Committee (ERC) of the Strategic Partnership Council since 2008. This unique, dynamic partnership of business, labour and government is dedicated to reviewing and addressing issues and concerns affecting employment relations in Newfoundland and Labrador.

In May 2011, amendments to the *Labour Relations Act*, developed in consultation with the ERC, received royal assent. The amendments are designed to improve the collective bargaining process when parties are negotiating their first collective agreement and to improve labour relations over the duration of a collective agreement.

In Fall 2011, the ERC completed its review of labour relations legislation. The Labour Relations Agency is currently reviewing the various amendments flowing from this process and will support government's consideration of any proposed legislative changes.

Highlights and Accomplishments

The Labour Relations Agency works with employees and employers to support and foster positive employment relations throughout Newfoundland and Labrador. By working with its partners, the Agency helps to create a climate which is conducive to economic growth, competitiveness and prosperity. This is accomplished through programs and services provided to unionized and non-unionized employees and employers, including the protection of basic labour rights; assistance in resolving workplace issues and in arriving at collective agreements; and the creation of partnerships, both in the workplace and among employment relations stakeholders. Two significant reviews were concluded over the reporting period, the Voisey's Bay Industrial Inquiry and the Review of the Special Project provisions of the *Labour Relations Act*. Each of these initiatives responds to the Agency's mission to improve labour relations supports conducive to positive workplace relations. Highlights of activities in 2011-12 include:

Amendments to the *Labour Relations Act*

In April 2011, government brought forward to the House of Assembly the first consensus-based amendments to legislation flowing from the Employment Relations Committee (ERC). For many years, business, labour and government representatives on the ERC have been involved in a tripartite review of provincial labour law. The key provisions in the new amendments are:

- In instances of new bargaining relationships, the parties will have direct access to the Labour Relations Board. Once the board advises an agreement will be imposed, the right to strike or lock-out will cease and the duration of the agreement to be imposed will be for a minimum of 18 months to a maximum of 36 months. This provides additional time for the parties to develop positive relationships; and,

- During the life of a collective agreement, at their joint request, parties will be provided with access to expedited arbitration and grievance mediation. The removal of the requirement for the parties to agree on the individual appointed as the single arbitrator will also aid in quicker resolution of disputes.

Further legislative proposals were finalized for government's review in late 2011. The Labour Relations Agency has analyzed these issues and will provide support to government as these remaining legislative changes are considered leading up to discussions in the House of Assembly.

Final Report of the Industrial Inquiry Commission: Voisey's Bay

In October 2010, government announced the appointment of an Industrial Inquiry Commission (the Commission) to investigate matters tied to the ongoing labour dispute between Vale Newfoundland and Labrador Limited and United Steelworkers Local 9508 at Voisey's Bay. The

first report of the Commission was submitted to government on December 22, 2010. In this report, the Commission focused on the resolution of the labour dispute. The parties subsequently returned to the bargaining table, and achieved a collective agreement by late January 2011.

The Commission's second and final report was released on May 11, 2011. The Final Report dealt principally with broader issues that arose from the dispute including:

- The factors which led to the labour-management relations climate at the Voisey's Bay project site in Labrador and options to improve these relations;
- The identification of local, provincial, national or international matters that may have been contributing factors in the dispute;
- Any impacts the dispute may have had on other labour-management relationships; and
- The ramifications of the dispute, and its costs to the province and the parties involved.

Following the release of the Final Report, government conducted consultations with stakeholders including Vale Newfoundland and Labrador, the United Steelworkers, Aboriginal governments, the Newfoundland and Labrador Federation of Labour, the Newfoundland and Labrador Employers' Council, the Newfoundland and Labrador Business Coalition and others. The Labour Relations Agency considered the Final Report, input received from stakeholders, best practices across other jurisdictions, and submitted analysis and advice to government. It is anticipated that government's response to the policy and legislative recommendations of the Report will be delivered in the 2012-13 fiscal year.

Special Project Order for the Hebron Development Project

In September 2011, government approved the issuance of a Special Project Order (SPO) for the construction phase of the Hebron Development Project at the Bull Arm Site. Proponents of large-scale construction proponents that seek to operate under a single collective agreement are required by law to request an SPO to sanction this labour arrangement. An SPO establishes a labour relations regime that is uniquely tailored to the requirements of the project and provides a legislative foundation for labour relations for the duration of a construction project. Government will only issue an SPO when the project meets relevant regulatory and policy-based criteria. This process is done in collaboration with the Labour Relations Agency. The Hebron Development Project SPO sanctions the collective agreement negotiated between the Hebron Project Employers' Association Inc. and the Resource Development Trades Council of Newfoundland and Labrador. In doing so, the SPO confirms the parties' mutual commitments to no strikes or lock outs throughout the construction period. The SPO also acknowledges the commitment contained in the Hebron Benefits Agreement with respect to the development of a Gender Equity and Diversity Program. Once construction work begins on the Gravity-Based Structure, work onsite is expected to last five years, offering valuable opportunities for the province's skilled trades workers.

Special Project designations have proven to be useful mechanisms for establishing site-specific labour relations regimes, and government has issued SPOs in relation to several major construction projects, including Hibernia, Voisey's Bay, Terra Nova and Long Harbour.

Review of Special Project Order Provisions of the *Labour Relations Act*

In December 2011, the Minister Responsible for the Labour Relations Agency appointed labour relations Consultant, James Oakley, to conduct a review of the Special Project Order (SPO) provisions of the *Labour Relations Act* to ensure these provisions provide the flexibility to respond to differing requirements of upcoming major projects, while confirming the labour relations framework for the duration of the construction period. Over the course of Winter 2012, Mr. Oakley undertook extensive consultations with employer and union stakeholders and received numerous submissions from interested parties. Mr. Oakley's Report was released in March 2012; it includes a review of the legislative history of SPO legislation in Newfoundland and Labrador, a description of SPOs issued in the province to date, and a summary of comments on SPOs made in prior labour relations reports submitted to the provincial government. This report outlines 20 recommendations that the consultant advises will enhance flexibility of the regime and ensure it remains responsive to future major projects.

Following the release of the Report, stakeholders were invited to provide additional input. The Labour Relations Agency will support government's review of the Oakley Report and it is anticipated that government's response to the legislative and policy recommendations will be released in 2012-13.

International Labour Issues

The Labour Relations Agency is responsible for reviewing and coordinating the provincial position on international labour issues, including requests made by the International Labour Organization (ILO). This process is undertaken in consultation with provincial departments and agencies that are responsible for, or affected by, issues addressed in a particular request. To support the province's ongoing efforts to advance Canada's work in international labour affairs, the Agency collaborates with other provincial governments and the federal Department of Human Resources and Skills Development Canada.

In 2011-12, the Agency responded to nine (9) requests from the ILO and participated in a number of intergovernmental consultations and meetings with the government of Canada on various international labour matters, including: abolition of forced labour, child labour, globalization and wage policy.

Through the Canadian Association of Administrators of Labour Legislation (CAALL), the Agency continued to work with federal/provincial/territorial (F/P/T) counterparts to assist in the implementation of a second three year strategy approved by governments in 2011 where F/P/T jurisdictions assessed various international labour priorities, including the review of a number of ILO conventions.

The province took a lead role in the review activities in 2011-12 by assuming the Chair position of the CAALL International Labour Affairs Subcommittee. A technical review was completed regarding the ILO Convention 138 - Minimum Age for Employment and follow up work is being completed. Preliminary analysis has also been completed on additional ILO Conventions that are set for review over the current three year strategy.

Report on Goals and 2011-2012 Performance

The Labour Relations Agency identified two primary strategic issues in the 2011-2014 Strategic Plan as having the most significance in efforts to promote a positive labour relations environment: 1) improved service delivery to clients of the Agency, and 2) support of effective employment relations through enhancements to the regulatory framework. The following paragraphs present a comprehensive account of the Agency's performance in these areas during the 2011-12 fiscal year.

Issue 1: Service Excellence

The Labour Relations Agency serves all employees and employers in Newfoundland and Labrador that fall under provincial jurisdiction. Over the past decade, social and economic trends have led to substantial changes in workplaces throughout Newfoundland and Labrador. Workplaces are becoming increasingly diverse as greater numbers of women and youth enter the labour force. The strong economic position of the province has resulted in employment growth in the services producing sector, construction and other emerging industries.

In recognition of these trends, the Agency intends to review service delivery methods over the 2011-2014 strategic cycle, analyze best practices throughout the country, introduce priority improvements where appropriate, and collaborate with stakeholders on development and implementation of further enhancements.

Over the reporting period, the Agency's efforts focused on implementing service delivery initiatives and investigating further options, to support the broader goal of ensuring Agency services are responsive to the evolving needs of workers and employers, and continue to support positive workplace relations.

Goal 1: By March 31, 2014, the Labour Relations Agency will have improved service delivery to clients of the Agency.

2011-2012
Objective: By March 31, 2012, the Labour Relations Agency will have implemented initiatives and investigated further options to improve service delivery.

Measure: Implemented initiatives and investigated further options.

INDICATORS	ACCOMPLISHMENTS 2011-12
Implemented and sustained use of social media.	• In Spring 2011, the Agency engaged a marketing and communications consultant to develop new social media tools. The new media is to incorporate the Agency's visual identity and is intended to help

INDICATORS	ACCOMPLISHMENTS 2011-12
	increase awareness of the Agency, its programs, and the value of positive employment relations. Development of these social media tools was finalized during the reporting period. • In March 2012, Agency staff participated in social media training to enhance awareness of how to use and monitor Facebook and Twitter accounts. The Agency was, however, not in a position to implement and use the social media campaign on a sustained basis during the reporting period. It is anticipated that the use of this media will be implemented as Agency policies to support staff use and monitoring of these tools are finalized in consultation with government partners. • Other forms of electronic media and outreach were updated, implemented and sustained by the Agency during the reporting period, including dedicated websites to support the public release and stakeholder responses to the Report of the Voisey's Bay Industrial Inquiry Commission (May 2011) and the James Oakley Report on the Special Project Order Provisions of the Labour Relations Act (February 2012). These websites can be viewed at the following web addresses: http://www.gov.nl.ca/LRA/voisey_bay.html and http://www.gov.nl.ca/lra/SPOR_LRA.html. • During the reporting period, the Agency investigated best practices across jurisdictions and identified opportunities to improve its website through integration of new technologies, including online polls, podcasts and web-based applications.
Consulted with stakeholders regarding improved user comprehension supports.	• As part of the broader review of labour legislation being conducted by the Employment Relations Committee, representatives of business, labour and government agreed that the development of improved user comprehension supports, such as plain language guides pertaining to labour laws and procedures, be prioritized.

INDICATORS	ACCOMPLISHMENTS 2011-12
	• Extensive consultation and stakeholder engagement was also held by the Agency following the release of the Report of the Voisey's Bay Industrial Inquiry Commission (May 2011) and the James Oakley Report on the Special Project Order (SPO) Provisions of the *Labour Relations Act* (February 2012). Both of these reports commented on possible improvements to our labour framework to enhance workplace relations and facilitate the construction of special projects. Improvements to the framework in these areas will facilitate user comprehension regarding rights and responsibilities in the workplace and the value of a positive labour relations climate in NL. • Specifically, in February 2012, the James Oakley Report recommended that the Agency develop and publish a written policy outlining the process under which parties may apply for an SPO. Preparation of such a policy will enhance stakeholder comprehension of SPOs.
Investigated options for enhanced collaboration and knowledge transfer with stakeholders and academic community.	• During the 2011-12 fiscal year, the Agency conducted a cross-jurisdictional review to investigate options for enhanced collaboration with stakeholders and the academic community. • In June 2011, members of the Agency attended a labour relations conference on Multinational Companies, Global Value Chains and Social Regulation, as part of its outreach to the academic community in assessing recommendations of the Report of the Voisey's Bay Industrial Inquiry Commission. • During this period, the Agency identified a number of opportunities to enhance collaboration and knowledge transfer, including the development of plain language guides to employment relations legislation and procedure, online polls of stakeholder and public views on particular issues, and enhancement of awareness and outreach activities through podcasts and webinars.

INDICATORS	ACCOMPLISHMENTS 2011-12
	• In January 2012, Agency executive contacted Memorial University of Newfoundland to investigate opportunities for collaboration between the Agency and the Business Faculty (Employment Relations Program) and offered staff resources to engage in guest speaking opportunities and knowledge transfer on labour relations, labour standards and labour policy matters.

2012-2013 Objective: **By March 31, 2013, the Labour Relations Agency will have implemented further options to enhance client service.**

Measure: **Implemented options to enhance client service.**

Indicators:
- **Implemented various outreach services to enhance client service.**
- **Initiated new user comprehension supports for clients.**
- **Enhanced collaboration on labour matters with partners and stakeholders.**

Issue 2: Effective Workplace Relations

Effective workplace relations are founded on the framework of statutes, regulations and policies governing employees and employers in the province. The Labour Relations Agency continually reviews these measures to ensure they are modern, responsive and achieve an appropriate balance such that workplace parties have sufficient opportunity to resolve issues by consensus, and government intervention is limited to instances where the parties are unable to reach agreement.

Over the 2011-2014 strategic cycle the Labour Relations Agency will review the employment relations framework and implement improvements in consideration of provincial legislative reviews, evidence-based analysis, best practices in other jurisdictions, stakeholder views and the evolving needs of workplace participants. As part of this effort, during 2011-12 the Agency conducted a thorough review and analysis of administrative and operational processes to identify options for improvement of the employment relations framework.

Goal 2: By March 31, 2014, the Labour Relations Agency will have enhanced the framework to support effective workplace relations.

2011-2012 Objective: By March 31, 2012, the Labour Relations Agency, will have investigated options for improvements of administrative processes and operational practices that are responsive to the evolving needs of stakeholders.

Measure: Investigated options.

INDICATORS	ACCOMPLISHMENTS 2011-12
Reviewed current administrative processes and operational practices.	• In 2011-12, the Agency conducted a cross-jurisdictional review of administrative processes relating to the collection, filing and posting of labour relations information, including online collective agreements, expiry calendar for collective agreements, and arbitration awards. A similar analysis was also applied to identify best practices in the use of information technology for labour standards administration. • Over the reporting period, the Agency, in conjunction with the Office of the Chief Information Officer, engaged an external consultant to develop a new database and protocols to enhance processes and information management relating to labour standards. • From Summer 2011-Spring 2012, the Agency provided advice to government on enhancing administrative processes and operational practices arising from the Report of the Voisey's Bay Industrial Inquiry Commission, the Employment Relations Committee review of labour legislation and the James Oakley Report on the Special Project Order Provisions of the *Labour Relations Act*.
Completed analysis to determine opportunities to respond to evolving needs of stakeholders.	• From Spring 2011 to Spring 2012, the Agency conducted consultations with various stakeholder groups relating to the May 2011 Report of the Voisey's Bay Industrial Inquiry Commission and the James Oakley Report on the Special Project Order Provisions of the *Labour Relations Act*. Analysis flowing from these consultations was completed and used to identify stakeholder positions on the Reports and to assess the need to change the province's employment relations framework. • During the reporting period, a plan was developed and analysis completed to update statistical indicators compiled by the Agency to ensure demographic profiles of stakeholders (work stoppages) and other labour indicators (expiry calendars) are collected and disseminated publicly

INDICATORS	ACCOMPLISHMENTS 2011-12
	and to federal counterparts in a timely fashion. • The Employment Relations Committee, consisting of representatives from business, labour, government and the Agency, continued its review of labour relations legislation. Analysis of the legislative proposals identified by the stakeholders was completed and advice provided to government. • In Fall 2011, the Agency commenced a review of its needs in the area of evidence-based labour policy to ensure best practices are used in identifying and meeting stakeholder needs.
Assessed provincial interests in international labour instruments and national developments.	• Following government's announcement of its intention to become an active participant in Canada's negotiations of the Canada-European Union Trade Agreement in March 2011, the Agency provided input and support on employment relations matters relevant to the development of this agreement. The Agency was involved in supporting provincial positions on labour matters relevant to current free trade agreement negotiations between Canada and India. This engagement will further assist the Agency's ability to assess provincial interests in these developments. • In Fall 2011, the Agency's Director of Policy and Planning was elected chair of the intergovernmental International Labour Affairs Committee (ILASC) of the Canadian Association of Administrators of Labour Legislation. In this capacity, the Agency provided a leadership role in reviewing and assessing provincial and national positions on international labour matters, including the review of various International Labour Organization (ILO) Conventions. From December 2011 to February 2012, the Agency staff supported an external consultant appointed by government to review jurisdictional practices and developments relating to Special Project Order legislation elsewhere in Canada.

2012-2013 Objective: By March 31, 2013, the Labour Relations Agency will have implemented priority improvements.

Measure: Implemented priority improvements.

Indicators:

- Enhanced administrative processes and operational practices initiated.
- Priority improvements targeting evolving needs of stakeholders implemented.
- Provincial interests in international labour instruments and national developments advanced.

Opportunities and Challenges Ahead

Government Review and Response to Recommendations of the Industrial Inquiry Commission

The Industrial Inquiry Commission released its final report on the labour dispute between Vale and United Steelworkers on May 11, 2011. This report contains a series of recommendations to improve existing labour relations legislation and practice, and to create and enhance new policy tools designed to address the impacts of challenging labour disputes. The Labour Relations Agency will finalize its analysis of the Commission recommendations in 2012-13 and will support government's future decision-making on this important file.

Special Project Order Review

Having received James Oakley's Report on the Special Project Order (SPO) provisions of the *Labour Relations Act* in Winter 2012, the Labour Relations Agency will undertake a detailed review of the proposals in consultation with employer and union stakeholders to assess the recommendations and to bring forward advice to government. SPOs remain a critically important tool that government can use to support major construction projects in Newfoundland and Labrador and therefore providing enhancements to the model will be an important milestone for 2012-13.

Advisory Committee on the Minimum Wage

As of the end of the 2011-12 fiscal year, Newfoundland and Labrador's minimum wage was $10.00 per hour. This minimum wage rate has been in effect since July 1, 2010. In Blue Book 2011, government committed to "convene an advisory committee on the minimum wage in 2012 and every two years thereafter". In 2012-13, the Labour Relations Agency will provide assistance and support to government in order to deliver on this commitment.

Statistical Overview

Labour Relations Division

Select Indicators

Conciliation	2009-10	2010-11	2011-12
# of Requests	83	58	54
Requests Carried Over	10	39	20
Total Conciliation Requests	93	97	74
Conciliation Settlements	59	78	49

Other Services	2009-10	2010-11	2011-12
Requests for Appointment of Arbitrator	35	36	33
Interest-Based Negotiation	5	2	0
Preventive Mediation Requests	75	81	148
Mediator Appointments	0	1	0
Special Project Orders Issued	1	0	1

Labour Standards Division

Select Indicators

Case Management/Services	2009-10	2010-11	2011-2012
Cases Assigned	74	49	72
Cases Concluded	59	70	56
Early Resolutions	341	350	365
Certificates of Clearance Issued	3,073	3,394	3,189
Preventive Interventions	**234**	**253**	**287**
Speaking Engagements	**56 (854 participants)**	**78 (1,355 participants)**	**63 (1036 participants)**

During Preventive Interventions, Labour Standards Officers visit workplaces to meet with employees and employers to discuss their respective rights and responsibilities in relation to labour standards legislation.

Other Employment-related Statistics

Work Stoppages	2009-10	2010-11	2011-12
Number of Work Stoppages	6	9*	2**
Number of Employees Involved	484	527	61
Number of Person-Days Lost	51,420	71,728	3,052

*4 of these legal work stoppages carried over from the 2009-10 fiscal year.
** 1 legal work stoppage continued beyond reporting period and ended in 2012-13 fiscal year.

Work Stoppages by Selected Industry
2009-10 to 2011-12

Industry		2009-10	2010-11	2011-12
Construction	Number of Work Stoppages	0	0	1
	Employees	0	0	18
	Person-Days Lost	0	0	1,332
Manufacturing	Number of Work Stoppages	1	2	0
	Employees	125	106	0
	Person-Days Lost	313	15,116	0
Mining	Number of Work Stoppages	1	1	0
	Employees	205	125	0
	Person-Days Lost	35,582	27,321	0
Accommodations and Food Services	Number of Work Stoppages	2	1	0
	Employees	125	65	0
	Person-Days Lost	11,625	14,996	0
Health Care and Social Services	Number of Work Stoppages	1	1	0
	Employees	15	15	0
	Person-Days Lost	1,470	2,595	0
Other Services	Number of Work Stoppages	1	3	0
	Employees	14	330	0
	Person-Days Lost	2,430	11,411	0
Public Administration	Number of Work Stoppages	0	0	0
	Employees	0	0	0
	Person-Days Lost	0	0	0
Industry		**2009-10**	**2010-11**	**2011-12**

Motor Vehicle Sales, Repairs and Parts	Number of Work Stoppages	0	1	0
	Employees	0	12	0
	Person-Days Lost	0	288	0
Fishing	Number of Work Stoppages	0	0	1*
	Employees	0	0	43
	Person-Days Lost	0	0	1,720

*Legal work stoppage continued beyond reporting period and ended in 2012-13 fiscal year.

ADDITIONAL INFORMATION

For additional statistical information about the Agency's programs and services, contact the Labour Relations Agency at:

Phone: (709) 729-2711/2742 (St. John's) (709) 637-2367/2364 (Corner Brook)
Fax : (709) 729-5905 (St. John's) (709) 637-2592 (Corner Brook)
E-Mail: labour@gov.nl.ca
Website: http://www.gov.nl.ca/lra/

Contact the Labour Standards/ Labour Relations/ Policy and Planning Divisions toll-free at 1-877-563-1063.

Summary of Expenditure and Related Revenue
For the Year Ended March 31, 2012
(Un-Audited)

Summary of Expenditure and Related Revenue For the Year Ended March 31, 2012				
Activity		**Actual Expenditure $**	**Amended Budget $**	**Original Budget $**
5.1.01	Executive Support	346,408	427,100	428,400
5.1.02	Administration and Planning	706,297	802,300	801,300
	Less: Revenue - Provincial	-	(78,000)	(78,000)
		706,297	724,300	723,300
5.1.03	Labour Relations and Labour Standards	1,326,695	1,327,700	1,327,400
	Less: Revenue - Provincial	(80,483)	(70,000)	(70,000)
		1,246,212	1,257,700	1,257,400
	Total	2,298,917	2,409,100	2,409,100

Expenditure and revenue figures included in this document are un-audited and based on public information provided in the Report on the Program Expenditures and Revenues of the Consolidated Revenue Fund for the Year Ended 31 March 2012. Audited financial statements are a requirement at the government level and are made public through the Public Accounts process; however, the Labour Relations Agency is not required to provide a separate audited financial statement.

These figures do not reflect allocations assigned to the Labour Relations Board or the Standing Fish Price-Setting Panel as these entities report their financial information within their own annual reports.

The following is a presentation of the program funding summary for fiscal year 2011-12.

Labour Relations Agency Budget